

September 24, 2019

Representative Graham Filler  
House of Representatives  
P.O. Box 30014  
Lansing, MI 48909-7514

Re: HB 4980-85

Dear Representative Graham Filler and members of the House Judiciary,

My name is Philip Aitken. I am unable to testify in person today because of a prior commitment that I could not miss. I am 30-years old. I am white. I grew up in suburbia, outside of Fenton, Michigan. I got a good education. I am a dedicated father. And I am also formerly incarcerated and would be ineligible for expungement under the proposed rules. I urge this committee to consider expanding eligibility and streamlining automatic expungement so that more people have the opportunity at a full life once they have paid their debt to society.

This is my story. I had a supportive family. I was in college, my last semester of nursing school. A year prior I got hit by a car and, as is a story that is all too commonly in the news at this moment, was prescribed a very high dose of opioid painkillers. Like so many others, I became addicted. And my addiction to pills led to an addiction to heroin, which I paid for by selling pills. I sold pills to an undercover – and was charged with delivery and manufacturing a controlled substance. I was charged again with malicious destruction of property. I was put on probation. But I was still using, because the system treated my addiction as a criminal issue, rather than a substance abuse one. I overdosed and almost died.

I was arrested on a probation violation. Essentially my overdose was used to convict me of a possession charge. And my prior interactions with drugs was used to enhance my sentence. I served two and half years at Cooper Street Corrections in Jackson. It was a huge learning experience. I met some of the most talented and brilliant people who were there because of lack of access to resources, poverty, violence in their family – but who, with another chance, could be the future of this state.

When I was released, I could not find an apartment. No one would rent to me. I had to live with friends. I have had a steady job as a bartender and a server, but that might be my only option for the rest of my life. I live paycheck to paycheck. I have no health benefits. I have no pension. I cannot afford to buy a house to ensure my family is never

discriminated again in the housing market. I cannot even afford to buy my girlfriend an engagement ring.

My record precludes me from pursuing my dreams. I tried to get back into nursing school. I was told that I would not be eligible until 15 years had passed since my conviction.

Through all of this, I have a young daughter, who I went two years without seeing when I was locked up. I had to fight to see her. And let me tell you, every day I think “this little girl has no idea that I need her more than she needs me.” She is my hope. She has accepted me for who I am. This little girl who has finally just said, “I love you, Daddy.” And yet, she will suffer as a result of my conviction record. I will struggle to save for her college fund. I will struggle to ensure that she has access to the best schools and healthcare. I will struggle to leave her anything outside of debt. As this state would have it, it is not just me who is punished for life. It is also my little girl.

We must end perpetual punishment in the State of Michigan. And we can only do so by eliminating the barriers to housing, education, and employment for people with records who are doing everything in their power to make the right choices and get their life back on track. That is why I ask you today to expand eligibility. It is not enough to make part of a person’s record expungable, because any other part will haunt and stigmatize them, and their families, for generations.

Thank you to the committee.

Respectfully,

Philip Aitken